IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

Crl.Rev.Pet.No. 3486 of 2007()

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CRA.876/2006 of ADDL. SESSIONS JUDGE (ADHOC-II),ERNAKULAM
CC.1009/2002 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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REVN. PETITIONER: REVISION PETITIONER/APPELLANT/ACCUSED:

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M.K. ELIAS, S/O. KURIAKOSE,
MANAKKATTU HOUSE, EDAKKATTUVAYAL, ARAKUNNAM.

BY ADV. SRI.P.GEORGE VARGHESE

RESPONDENTS: RESPONDENT/COMPLAINANT:

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1. V.U. PATHROSE, S/O. ULAHANNAN,
VETTIKKAMATTATHIL HOUSE, PAZHOOR, PIRAVOM,
REP. BY HIS POWER OF ATTORNEY HOLDER,P.A.AUGUSTINE
S/O. ANTHRAYOSE, PALLIPARAMBIL, NECHOOR,PIRAVOM.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.ELDO KURIAKOSE
PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

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**Crl.R.P. No.3486 of 2007**

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**Dated: 27-09-2007**

**ORDER**

The accused in C.C. No. 1009 of 2002 on th**e file** of the Judicial First Class Magistrate -I, Ernakulam for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. 10234 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C.

This Crl. R.P. is disposed of as above.

**V. RAMKUMAR,**
**(JUDGE)**

ani.

**V. RAMKUMAR, J.**

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**Crl.R.P. No.....**

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**Dated: 24th August 2007**

**ORDER**

The accused in C.C. / ST. No.....on th**e file** of the J.F.C.M..... for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. .....of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C. Money, if any, deposited by the revision petitioner pursuant to the orders, if any, passed by the lower appellate court shall be refunded to the revision petitioner/accused.

This Crl. R.P. is disposed of as above.

**V. RAMKUMAR,**
**(JUDGE)**

ani.